

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35953

STATE OF IDAHO,)	2009 Unpublished Opinion No. 671
)	
Plaintiff-Respondent,)	Filed: November 13, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
GABINO VILLA-LINARES,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for felony driving while under the influence of alcohol, affirmed.

Greg S. Silvey, Kuna, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Gabino Villa-Linares pled guilty to felony driving while under the influence of alcohol. Idaho Code §§ 18-8004(1)(a), 18-8005(7). The district court sentenced Villa-Linares to a unified term of five years, with a minimum period of confinement of two years. Villa-Linares appeals asserting that the district court abused its discretion by imposing an excessive sentence.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing

the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Villa-Linares's judgment of conviction and sentence are affirmed.